

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 76.0833WO/BC	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/IB2004/002255	International filing date (day/month/year) 12/07/2004	(Earliest) Priority Date (day/month/year) 11/07/2003
Applicant AXALTO		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

DEVICE DELIVERING A SERVICE USING AN ASSOCIATED PORTABLE MEMORY, AND RELAYING MEANS FOR ALLOWING ACTIVATION OF AN APPLICATION OF THE PORTABLE MEMORY OF THE FIRST DEVICE BY A SECOND DEVICE

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 3

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/B2004/002255	International filing date (day/month/year) 12.07.2004	Priority date (day/month/year) 11.07.2003	
International Patent Classification (IPC) or both national classification and IPC G07F7/10, H04M1/725			
Applicant AXALTO			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application



2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <div style="text-align: center;">  </div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p>Hanon, D</p> <p>Telephone No. +49 89 2399-7203</p> <div style="text-align: right;">  </div>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002255

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002255

Box No. II Priority

1. ☒ The following document has not been furnished:
- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
 - ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1
Industrial applicability (IA)	Yes: Claims	1
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

The following documents may be referred to in this communication:

- D1: US 2002/173344 A1 (CUPPS BRYAN T ET AL) 21 November 2002 (2002-11-21)
D2: 'Howto VNC oder wie kann man die Inhalte des Zaurus-Bildschirms einem grösseren Publikum präsentieren?' SHARP ELECTRONICS EUROPE GMBH, [Online] 15 January 2003 (2003-01-15), XP002263999 Retrieved from the Internet:
<URL:http://www.zaurus.de/SharpServiceArea
/Infoware/FAQs/Info_20030115150712/download> [retrieved on 2003-12-03]
D3: GB-A-2 377 776 (WIZARD MOBILE SOLUTIONS LTD) 22 January 2003 (2003-01-22)
D4: Linux Tutorial - Networking - NFS.

1. Claim 1 lacks clarity in the sense of Article 6 PCT.

In particular, the following terms are subject to several, sometimes mutually excluding interpretations:

- a) "delivering a service using an application" may simply mean
- "running the application", or
 - "reading the application's data or code" but may also mean
 - "contacting an external service provider such as a bank and exchanging information with this service provider";

b) nor is it clear from the claim whether the application is being run on the portable object itself or on the first device, i.e. is the portable object "smart" ? All the reader may deduce is that the application is being stored ("lodged" !) at some point in time on the portable object;

- c) the term "resources" is very generic, implying either (or both of)
- software or
 - hardware;

this point is important as the first device is defined in terms of a second device which does *not* use these resources; it is not clear which "resources" may or may

not be used by the second device.

d) the fact that the first device is defined in terms of a second device also results in an unclear claim, as no key-lock correspondence is established; a system claim covering both devices would be more appropriate).

2. As an illustration of this lack of clarity, the examiner will comment D1 in the light of the claim. While it appears from the application description that its subject-matter should differ strongly from D1, claim 1 seems to lack novelty (Art. 33(2) PCT) in the light of D1 if one considers the unclear features of claim 1 to be non-limitative:

D1 discloses a first device (a PDA/wireless phone hybrid) which gives a second device (A POS terminal) access to an application stored on a SIM card (see paragraph [0048] and following) located in its SIM card reader.

3. In a similar vein, document D2 shows a method which allows a user to use applications stored on a Linux PDA (the Sharp Zaurus SL-5500, which features two readers for external memories [one for Compact Flash, the other for Secure Digital memory]) via a PC through the use of a VNC client/server set-up.

The examiner fails to see which features in the application claim could contribute to the novelty of the claimed subject-matter over D2. It is however not excluded that this is a consequence of the lack of clarity of the claim.

4. It is difficult to further assess the novelty and/or the inventive step of the application in its present state. In its present form, the claim even leads the examiner to doubt that the subject-matter of the application actually goes beyond the principles known from the extremely well known NFS filesystem mounting scheme, which allows users to share memory devices of all types on different machines (cf. D4).

INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB2004/002255

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G07F7/10 H04M1/725

76.0833/PR

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G07F H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/173344 A1 (CUPPS BRYAN T ET AL) 21 November 2002 (2002-11-21) figure 2 paragraph '0039! paragraph '0048! - paragraph '0050!	1
X	"Howto VNC oder wie kann man die Inhalte des Zaurus-Bildschirms einem grösseren Publikum präsentieren ?" SHARP ELECTRONICS EUROPE GMBH, 'Online! 15 January 2003 (2003-01-15), XP002263999 Retrieved from the Internet: URL: http://www.zaurus.de/SharpServiceArea/Infoware/FAQs/Info_20030115150712/download > 'retrieved on 2003-12-03! the whole document ----- -/--	1

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

21 September 2004

Date of mailing of the international search report

13/10/2004

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INTERNATIONAL SEARCH REPORT

International Application No
PCT/IB2004/002255

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GB 2 377 776 A (WIZARD MOBILE SOLUTIONS LTD) 22 January 2003 (2003-01-22) abstract page 4, line 12 - line 30 page 6, line 7 - line 15 page 7, line 17 - line 26 page 8, line 19 - page 9, line 3 -----	1
A	"NFS" THE LINUX TUTORIAL, 'Online! 12 April 2003 (2003-04-12), XP002264026 Retrieved from the Internet: URL: http://www.linux-tutorial.info/cgi-bin/display.pl?141&0&224&0&3 'retrieved on 2003-12-05! the whole document -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB2004/002255

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002173344	A1	21-11-2002	CA 2441118 A1	26-09-2002
			EP 1370928 A2	17-12-2003
			TW 576084 B	11-02-2004
			WO 02075517 A2	26-09-2002
			US 2003153353 A1	14-08-2003
			US 2003163601 A1	28-08-2003
			US 2003163666 A1	28-08-2003
			US 2003153354 A1	14-08-2003
			US 2003100340 A1	29-05-2003
			US 2003159026 A1	21-08-2003
			US 2003135771 A1	17-07-2003
GB 2377776	A	22-01-2003	EP 1410667 A1	21-04-2004
			WO 03009620 A1	30-01-2003
			WO 03009621 A1	30-01-2003
			GB 2379834 A	19-03-2003
			GB 2377788 A , B	22-01-2003